

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

UNSTARRED QUESTION NO:3254
ANSWERED ON:10.12.2001
ENVIRONMENTAL COURTS
VIJAY KUMAR MALHOTRA

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) whether the Supreme Court has emphasised that all environment courts, tribunals and appellate authorities should include a sitting or retired High Court or Supreme Court Judge and Scientist or group of Scientists;
- (b) if so, the details thereof; and (
- (c) and the reaction of the Government thereto?

Answer

MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU)

(a), (b) and (c): Yes, Sir. The Supreme Court in its judgment dated January 27, 1999 in respect of Civil Appeal Nos. 368- 371 of 1999 arising out of SLP (C) Nos. 10317 - 10320 of 1998 has observed that '...the Government of India should, in our opinion, bring about appropriate amendments in the environmental statutes, Rules and notification to ensure that in all environmental Courts, Tribunals and appellate authorities there is always a Judge of the rank of a High Court Judge or a Supreme Court Judge, - sitting or retired and Scientist or group of Scientists of high ranking and experience so as to help a proper and fair adjudication of disputes relating to environment and pollution...' The National Environment Tribunal Act, 1995 and the National Environment Appellate Authority Act, 1997 contain commensurate provisions.